



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER (Large Entity)**

Application Number: 09/924,482

Group Art Unit: 2614

Filed: January 21, 2000

Examiner Name: ELAHEE

Applicant: Kermani

Attorney Docket Number: 20-220

TITLE: MULTI-USER HAND-FREE WIRELESS TELEPHONE GATEWAY

Total Number of Pages in this Submission: 13

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

Transmitted herewith is:

Renewed Petition Under 37 CFR 1.137(b) to Withdraw Erroneous Holding of Abandonment – 12 pages.

The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. 1.16 or any patent application processing fees under 37 C.F.R. 1.17 associated with this communication, or credit any over payment to **Deposit Account No. 50-0687 under Order No. 20-220.**

Respectfully submitted,

William H. Bollman

Reg. No.: 36,457

Attorney for Applicant(s)

Date: May 6, 2008

Manelli Denison & Selter PLLC  
2000 M Street, NW 7<sup>th</sup> Floor  
Washington, DC 20036-3307  
(202) 261-1020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



Serial No.: 09/924,482

Filed: August 9, 2001

Group Art Unit: 2614

Examiner: ELAHEE

Atty Dkt No.: CANNON 125-113-73

Our Ref.: 20-220

In re Patent Application of:

**Cannon et al.**

Title: **Multi-User Hands-Free Wireless Telephone Gateway**

May 6, 2008

**RENEWED PETITION UNDER 37 CFR 1.137(b)**  
**TO WITHDRAW**  
**ERRONEOUS HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present application is NOT abandoned. The USPTO lost the Applicants' responsive filing on December 3, 2004, and then THREE YEARS LATER calls the case "abandoned" with a Notice of Abandonment mailed September 21, 2007.

Not only has the USPTO lost the Applicants' responsive filing of December 3, 2004, but it reports (in Footnote 2 in the Decision on Petition mailed March 6, 2006) that they've now also lost the Notice of Abandonment!

Strangely, the USPTO accepts that a Notice of Abandonment was in fact mailed because the Applicants' said it "has been received" (See Footnote 2 in the Decision on Petition), but hasn't yet accepted the same source of information (the Applicants) that the responsive filing was filed.

Through all this, the USPTO takes the position THREE YEARS after having lost the Applicants' filing that the application was abandoned THREE YEARS prior. Now, because it was abandoned more than 1 year ago, revival requires proof that the abandonment was unavoidable.

This is preposterous. This case is NOT abandoned. And even if the USPTO persists that it is because the USPTO lost the Applicants' December 3, 2004 filing, this was most certainly an unavoidable even with respect to the Applicants as it was entirely under the control of the USPTO.

The Applicants respectfully again request a withdrawal of the erroneous holding of abandonment.

The Applicants have sufficiently proven that a Response to Restriction Requirement was in fact filed in this case with the USPTO on December 3, 2004. Exhibit A is a copy of the December 3, 2004 responsive filing.

Exhibit B is a copy of the returned receipt from the USPTO indicating that the Response to Restriction Requirement was in fact filed.

Exhibit C is an Affidavit of Lamont King together with a copy of a relevant page of our Firm's courier log book from December 3, 2004. As Mr. King explains, the entry indicates that a filing was hand carried to the USPTO, and the check mark to the left of the entry indicates that a return receipt was received back from the USPTO indicating that the filing was successfully deposited with the USPTO.

Exhibit D is a copy of the USPTO's own case history report generated by the USPTO's Patent Application Information Retrieval (PAIR) database pursuant to the above-referenced case. The PAIR system shows that the Response to Restriction Requirement filing was received by the USPTO on December 3, 2004. This is the very filing that the USPTO alleges was not filed because they can't locate it. It WAS filed, and this case is NOT abandoned.

Withdrawal of the erroneous holding of abandonment is again respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W H Bollman", written over a horizontal line.

William H. Bollman  
Reg. No. 36,457

**MANELLI DENISON & SELTER PLLC**

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# **EXHIBIT A**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/924,482  
Filed: August 9, 2001  
Group Art Unit: 2645  
Examiner: ELAHEE, MD S.  
Atty Docket No.: 20-220

IN RE PATENT APPLICATION OF:

**CANNON ET AL.**

TITLE: **MULTI-USER HANDS -FREE WIRELESS TELEPHONE GATEWAY**

November 1, 2004

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated October 5, 2004, the Applicants respectfully elect the Group II claims 8-22, with traverse.

An early and favorable action on the merits is respectfully solicited.

Respectfully submitted,  
MANELLI DENISON & SELTER PLLC



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Washington D.C. 20036-3307

# **EXHIBIT B**

**RECEIPT FROM PTO FOR INDICATED ITEMS**

Appln. No: 09/924,482	Atty: William H. Bollman
First Inventor: CANNON	Date: December 3, 2004
	Docket No: 20-220

**ENCLOSED:**

☐ Response/Amendment ☐ Cover Sheet ☐ Cited/Listed

☐ Completion Request for R 53(d)/60(d)/62(d)/PCT Nat.

# ☐ No. of Pages Abstract

# ☐ No. of Pages Spec and Claims

# ☐ No. of Numbered Claims Only

# ☐ No. of Sheets of Drawings in

☐ Formal ☐ Informal ☐ Cover Letter

☐ Declaration ☐ # of pages

☐ Assignment ☐ Cover Sheet

☐ Small Entity Declaration

☐ Extension Petition

# ☐ No. of Priority Documents

☐ IDS including PTO-1449

☐ Cited ☐ Search Report

☐ Payment of Issue Fee

\$  Fee (Check)

OTHER:

Current DUE DATE:

(Submit Single Copy Only)





# EXHIBIT C

## **Affidavit of Lamont King**

My name is Lamont King. I am an administrative assistant with Manelli Denison & Selter PLLC. Part of my daily responsibilities includes sending the firm's daily patent and trademark filings to the United States Patent and Trademark Office (USPTO) via courier.

Each day I catalog each of the filings going to the USPTO in our courier log book. The next day I cross check the previous day's filings to ensure that we received each individual USPTO receipt (indicating that the USPTO received each filing) by putting a check mark to the left of the corresponding log book entry.

On Friday December 3, 2004, a Response to Restriction Requirement was filed with the USPTO via courier. On Monday December 6, 2004, I cross checked the filings from December 3, 2004, and made a check mark to the left of the entry thereby indicating that a return receipt was received back from the USPTO indicating that the filing was successfully deposited with the USPTO.

Please see the attached copy of our Firm's courier log book showing receipt of the Response to Restriction Requirement from the USPTO.

I swear under the penalty of perjury that the contents above are a true.

  
\_\_\_\_\_  
Lamont King

11/28/07  
\_\_\_\_\_  
Date

54

12/1/04 / 59849

TIAB

MS30

419829

12/1/04 95546 Patent Appeal of Super Trans Ltr Transm. Div. Agent Ckt  
 84524 Spec. Claim Property Dec. ckt# 015755017000 WMS  
 62295 Request for filing of PTO check Prodec  
 62295 Request for filing 0157624200 JSM  
 10025 Patent Application of Tobias Thoma Ltr  
 ckt# 015761113500 WMS

12/2/04 57275 Amendment to Allega Ltr; Specimen ckt# 01577011000  
 4201501 WMS

12/2/04 20591 Trans Ltr / Report / Recalculation, Power of Attorney / Spec. claim ckt# 015791  
 \$137400 WMS

X 20443 Response Amendment WMS  
 Pm X 46204 Request for Refusal of Assignment / Copy of Assign. w/ ckt# 015766113000 WMS  
 X 84811 Spec. Claims / Drawings / Assignment / Declaration Property Dec. P's State  
 ckt# 015766113000 WMS  
 X 84842 " " " " ckt# 015766113000 WMS  
 X 84843 " " " " ckt# 015766113000 WMS  
 X 95330 Reply Brief + Inter. duplicate EJS

12/3/04 59199 Combined Declaration of Use & Incontestability ckt# 01599213000 WMS  
 46504 Third Request for Status Update WMS  
 420334

12/3/04 X 95440 Utility Patent application Trans. Declaration ckt# 01599511754  
 JSM

120346 Transmittal Ltr / Spec. Claim Decl. of Power of Attorney  
 95578 Transmittal / Recalculation / Drawings ckt# 0157741123000 WMS

120521 Response Amendment Declaration / Assignment ckt# 015745117000 WMS

46229 Amend Transmittal WMS  
 20220 Response to Restriction Requirement WMS

420203

12/6/04 59551 Request for Status Update WMS  
 X 59551 Request for Status Update WMS  
 X 59551 2<sup>nd</sup> Request for Status Update WMS  
 420520

# EXHIBIT D

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09/924,482

Multi-user hands-free wireless telephone gateway

<a href="#">Select New Case</a>	<a href="#">Application Data</a>	<a href="#">Transaction History</a>	<a href="#">Image File Wrapper</a>	<a href="#">Published Documents</a>	<a href="#">Address &amp; Attorney/Agent</a>
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## Transaction History

Date	Transaction Description
09-21-2007	Mail Abandonment for Failure to Respond to Office Action
09-17-2007	Abandonment for Failure to Respond to Office Action
03-21-2006	Case Docketed to Examiner in GAU
12-03-2004	Workflow incoming amendment IFW
10-05-2004	Mail Restriction Requirement
09-30-2004	Requirement for Restriction / Election
07-13-2004	IFW TSS Processing by Tech Center Complete
03-26-2004	Case Docketed to Examiner in GAU
02-26-2004	Case Docketed to Examiner in GAU
02-25-2004	Case Docketed to Examiner in GAU
01-17-2003	Case Docketed to Examiner in GAU
11-24-2001	Case Docketed to Examiner in GAU
09-26-2001	New or Additional Drawing Filed
11-06-2001	Application Dispatched from OIPE
10-30-2001	Application Is Now Complete
09-12-2001	Correspondence Address Change
08-15-2001	IFW Scan & PACR Auto Security Review
08-09-2001	Initial Exam Team nn

## If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9191.

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the [webmaster@uspto.gov](mailto:webmaster@uspto.gov). While we cannot accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.